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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,857	07/09/2001	Yang Pang	COHL-4340	9106

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EXAMINER

JACKSON, CORNELIUS H

ART UNIT PAPER NUMBER

2828

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,857

Applicant(s)

PANG ET AL.

Examiner

Cornelius H. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. Acknowledgment is made that applicant's Amendment, filed on 20 February 2003, has been entered. Upon entrance of the Amendment, claims 2-6 were amended, claims 1, 12-17 were cancelled and claim 18 was added. Claims 2-11 and 18 are now pending in the present application.

Response to Arguments

2. Applicant's arguments, see pages 4-5, filed 20 February 2003, with respect to the rejection(s) of claim(s) 1-17 under 102/103 have been fully considered but are not persuasive.

Applicant argued the following:

- a. Shah is related to a circulation system for a commercial office building.
- b. Shah teaches maintaining a comfort level of water vapor of 40-60%.

Examiner's replies to Applicant's arguments are as follows:

a. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

b. Shah teaches maintaining a comfort level of water vapor of 40-60%, as a design choice, but also teaches zero water vapor, **see col. 5, lines 1-40**.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the laser is operated (such as, pumping the gain medium, determining the desire laser output, modulating the output beam, etc) and how steps (b)-(f) assists in the operation of the laser. Claims 2-5 are rejected since they depend on an indefinite base claim.
6. Claim 18 is indefinite since the preamble claims a method of operating a laser while the claim limitation recites a method of minimizing contamination within an enclosure of a laser system. Claims 2-5 are rejected since they depend on an indefinite base claim.
7. Claim 18 recites the limitation "(iv)" in line 13 of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how the plurality of

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optical components work together with one another and with the other cited elements (such as the enclosure, gas conditioning arrangement, pump, etc.) to form a laser.

Claims 7-11 are rejected since they depend on an indefinite base claim.

9. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: resonate cavity, gain medium, power supply, etc. Claims 7-11 are rejected since they depend on an indefinite base claim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (6428608) in view of McMahan (4229709) and/or Govorkov et al.

(6327290). Regarding claim 18, Shah et al. teaches a method comprising the steps of

(b) extracting gas from the atmosphere within the enclosure; (c) passing the extracted gas through a first medium selected to reduce the water vapor content thereof, (d)

following step (c), passing the extracted gas through a second medium selected to

reduce the organic vapor content thereof, (e) following step (d) passing the extracted

gas through a filter selected to reduce the particulate matter content thereof, (f)

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following step (e), returning the extracted gas to the enclosure, **see col. 3, line 33-col. 5, line 40** and all the stated limitations, including an enclosure **20**. Shah et al. fails to teach the use of the purging apparatus in a laser system. McMahan and Govorkov et al. teach the use of a purging apparatus in a laser system having a plurality of optical components was well known, **see McMahan (Fig. 2, abstract and col. 2, lines 3-40) and Govorkov et al. (Fig. 2, abstract and col. 3, line 25-col. 4, line 3)**. It would have been obvious to one of ordinary skill in the art of filtering (gas separation) at the time the invention was made to use the apparatus of Shah et al. in the laser system of McMahan and/or Govorkov et al. to improve the air quality in the laser enclosure by controlling humidity and/or for removing volatile organic compounds and particulate material in the enclosure, **see Shah et al. col. 1, lines 5-20, col. 2, lines 3-24, col. 3, lines 21-42 and col. 10, lines 48-59**.

Regarding claim 6, the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, the rejection used against the method, stands for the device as well.

Regarding claims 2, Shah et al. discloses wherein said first medium is silica gel, **see col. 9, lines 30-35**.

Regarding claims 3, Shah et al. discloses wherein said second medium is activated carbon, **see col. 3, lines 25-30**.

Regarding claims 4, 9, McMahan teach second medium is a molecular sieve, **see abstract, and col. 3, line 40-col. 4, line 2**.

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Regarding claims 5 and 10, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 7, Shah et al. teach wherein said first medium is silica gel, **see col. 9, lines 30-35.**

Regarding claim 8, Shah et al. teach wherein said second medium is activated carbon, **see col. 3, lines 25-30.**

Regarding claim 11, Shah et al. teach further including fourth and fifth conduits and first and second valves, said fourth and fifth conduits and said valves arranged such that a drying gas can be passed through said desiccant medium for regenerating the desiccant medium while preventing said drying gas from entering said enclosure, **see col. 4, lines 36-67.**

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

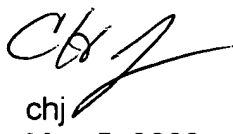
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cornelius H. Jackson whose telephone number is (703) 306-5981. The examiner can normally be reached on 8:00 - 5:00, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.


chj

May 5, 2003


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